

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN A. MAGANA,

Plaintiff,

v.

CSP SOLANO CDCR, et al.,

Defendants.

No. 2:23-cv-2007 AC P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On October 31, 2024, the court screened the complaint and found that plaintiff had not stated any claims for relief except for an Eighth Amendment claim against defendant Cortez for failing to provide pain medication. ECF No. 8. Plaintiff was given the option of amending the complaint or proceeding immediately on his cognizable claim against defendant Cortez. Id. at 4. He was further advised that if he failed to notify the court how he wanted to proceed, the court would assume that he was choosing to proceed on the complaint as screened. Id. The time for plaintiff to notify the court as to how he wishes to proceed has now passed, and plaintiff has not made an election or otherwise responded to the order.

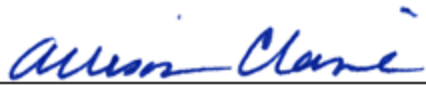
Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly assign a United States District Judge to this action.

IT IS FURTHER RECOMMENDED that for the reasons set forth in the October 31, 2024 Screening Order (ECF No. 8 at 3), all claims and defendants be dismissed without prejudice

1 except for plaintiff's Eighth Amendment claim against defendant Cortez for failing to provide
2 pain medication.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
5 after being served with these findings and recommendations, plaintiff may file written objections
6 with the court. Such a document should be captioned "Objections to Magistrate Judges Findings
7 and Recommendations." Plaintiff is advised that failure to file objections within the specified
8 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
9 (9th Cir. 1991).

10 DATED: December 4, 2024

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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